

The parent disclosure was objected to for various informalities. Applicants have corrected the specification herein to obviate the objections. No new matter has been added in the amendment.

The claims were rejected under 35 U.S.C. §112, for failure to provide an enabling description. It was argued that the specification does not adequately disclose expression of V1-1 using a propeptide sequence from a BMP protein or other TGF- β proteins. However, the specification clearly teaches that the sequences of numerous BMP proteins and other TGF- β proteins are known in the art. The skilled artisan is familiar with these proteins, and is sufficiently knowledgeable to be able to construct a chimeric vector ligating the DNA sequence encoding the known propeptide of a known BMP to the coding sequence of the mature V1-1 protein with a reasonable expectation that such a chimeric construct would successfully express the V1-1 protein in mammalian cells. See, for example, United States Patent No. 5,168,050.

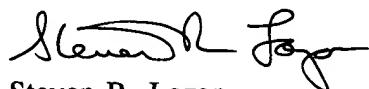
The claims were also rejected for failing to adequately describe the V1-1 related proteins. However, Applicants have fully described V1-1 related proteins, as well as methods for obtaining such proteins using the sequences of V1-1 and the PCR primers described in the specification. The claims were further rejected as enabled only for claims limited to DNA encoding V1-1, not for related sequences which hybridize thereto. Armed with Applicants' disclosure of the V1-1 sequence, the skilled artisan would successfully be able to obtain numerous variants of V1-1 and screen them to determine whether tendon-inducing activity were retained. Such a screening procedure would not constitute undue experimentation. In re Wands,

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8 U.S.P.Q.2d 1400 (Fed. Cir. 1988). Similarly, the skilled artisan is able to create a large number of mutagenized variants of V1-1 and screen them for tendon-inducing activity. Applicants are entitled to claim a range of variants of V1-1 which is consonant with this disclosure. It would be unfair if Applicants, having provided a teaching sufficient for the skilled artisan to obtain and/or design variants of the V1-1 sequence disclosed by Applicants which retain tendon-inducing ability, to be denied patent protection of the results of such teaching.

While it is believed that no fee is due with this response, Applicant hereby authorizes the Examiner to charge payment of any fees due in this application to Deposit Account No. 07-1060.

Respectfully submitted,


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